

## Town settles Troy case

### Confidential settlement; no details

By Susanna Sheehan  
Clipper Editor

The town of Duxbury has ended its malpractice lawsuit against former Town Counsel Robert Troy by agreeing to a confidential settlement that town officials are bound to keep secret.

Current Town Counsel Arthur Kreiger of Anderson Kreiger LLP in Cambridge told the Clipper recently that the town settled the lawsuit against Troy at the same time it settled with Johnson Golf Management, about a month ago, he said.

Johnson Golf had sued the town in 2010 over its awarding of the management contract for the town-owned North Hill golf course. The town announced on July 6 that it had settled that case for \$695,000 with its actual payment being \$435,000 as insurance covered the other \$260,000. Duxbury's Town Manager René Read said this amount was "significantly less" than the \$839,000 the court awarded Johnson Golf when it won its 2013 suit against the town, which was under appeal.

In 2012, the town sued Troy for legal malpractice while representing Duxbury in the Johnson Golf Management lawsuit. The town claimed that Troy was negligent and did not provide the town with reasonably competent legal services while directing the bidding process for management of the North Hill Country Club and representing the town against Johnson Golf in Middlesex Superior Court.

"Troy's conduct in supervising the bidding processes for North Hill, advice to the town in the Johnson Golf litigation and inaccurate statements regarding the facts of the litigation have exposed the town to liability to Johnson Golf that it would not otherwise have," stated the civil suit.

The town also wanted to recover more than \$175,000 in legal fees it had incurred. Troy represented the town in the Johnson Golf case until May 2012, which was when Duxbury selectmen decided to terminate the relationship with him as town counsel. Troy had been Duxbury's town counsel since the mid 1980s.

While Troy fought the allegations, the case wound its way slowly through the court system over the past four years with many town officials including past and present selectmen and former Town Manager Richard MacDonald being deposed.

Kreiger said negotiations in such legal cases "can start and stop over the length of the suit."

"Negotiations began in the spring of this year," he added.

Kreiger was co-counsel with the town's Insurance Counsel Leonard Kesten, who also represented the town in court.

While Town Manager René Read issued a very public and long statement about the settlement with Johnson Golf Management in July, he did not comment on the Troy case except to say it had been settled and he directed questions to Kreiger.

Kreiger said he could not speak about the settlement as it was confidential.

He said the town issued this statement: "The town of Duxbury and attorney Robert F. Troy have decided it would be in their best interests to resolve this litigation."

"The parties agreed that the only thing they would say is that statement," said Kreiger. "The terms of the settlement will not be disclosed as the settlement agreement is confidential."

The civil suit was filed July 17, less than a week after the town attempted to include Troy as a defendant in the lawsuit against the town. Johnson Golf had agreed to the town's request. A judge, however, disagreed, and it was not allowed.